

if not claimed by the loser. If the name of the finder cannot be obtained, and the article is not claimed within 30 days, it must be disposed of in the same manner as unidentified material found loose in the mail. Do not return postal money orders to the finder. Mail to Money Order Branch, Accounting Division, U.S. Postal Service, General Accounting Office Building, Washington, DC 20260, with a memorandum of explanation.

(d) *Public use of restrooms.* Restrooms off public corridors shall normally be kept open during regular hours of business for the benefit of the public. Where vandalism or loitering cannot be controlled, postmasters may lock restrooms, furnishing those agencies served by the restrooms, keys for employee use. This shall not be construed to permit access by nonpostal personnel to restrooms in restricted postal areas.

(e) *Letter drops.* At all except fourth-class post offices, provide a regulation letterbox for depositing mail in front of or next to the post office. Show collection time schedules on letterboxes. At fourth-class offices, if a letterbox is not supplied, provide a slot in the outer post office door. When messengers or star route carriers have access to lobbies, door slot deposits must lead to a locked box.

(f) *Hour signs.* Display hours of window service prominently at all first-, second-, and third-class post offices, classified stations and branches, and annexes. Use Sign 41, Hours decal set, available in supply centers.

(g) *Service of process on postal premises.* Postmasters or other installation heads shall permit service on postal premises of civil and criminal process affecting employees in personal matters, when such service of process will not interfere with postal operations. Process servers should be directed to the postmaster's or installation head's office, where the employee will be called in and service made. Section 265.10 of this chapter contains rules regarding compliance with subpoena duces tecum, court orders, and summonses where official business or official records are involved.

(h) *Public service areas—prohibited items.* Photographs of an incumbent or

former President or Postmaster General are not to be displayed in post office lobbies or in common use public service areas such as elevator lobbies and corridors in facilities owned by or leased to the Postal Service. Further, such photographs are not to be requisitioned or purchased by postal installations at Postal Service expense.

(39 U.S.C. 501)

[36 FR 4765, Mar. 12, 1971, as amended at 39 FR 38376, Oct. 31, 1974; 40 FR 8820, Mar. 3, 1975; 42 FR 33722, July 1, 1977; 44 FR 39854, July 6, 1979]

## General Postal Administration

### PART 255—ACCESS OF HANDICAPPED PERSONS TO POSTAL SERVICES, PROGRAMS, FACILITIES, AND EMPLOYMENT

#### Sec.

255.1 Discrimination against handicapped persons prohibited.

255.2 Special arrangements for postal services.

255.3 Access to postal facilities.

255.4 Other postal regulations; authority of postal officials and employees.

AUTHORITY: 39 U.S.C. 101, 401, 403, 1001, 1003, 3403, 3404; 29 U.S.C. 791, 794.

SOURCE: 50 FR 14102, Apr. 10, 1985, unless otherwise noted.

#### § 255.1 Discrimination against handicapped persons prohibited.

(a) *Policy.* Postal Service policy is to comply fully with sections 501 and 504 of the Rehabilitation Act of 1973, and other applicable laws. Accordingly, no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity operated by the Postal Service, or in employment.

(b) *Definition.* For purposes of paragraph (a) of this section, the term *handicapped* applies to a person who has, has a record of, or is regarded as having, a physical or mental impairment which substantially limits one or more of such person's major life activities.

(c) *Customer Service Complaints—(1) How made.* Handicapped customers who

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believe that they have been discriminated against in the provision of postal services or programs should file a written complaint with their local postmasters or other local postal official responsible for such services or programs. The customer should provide, or be willing to provide upon request, sufficient information regarding the matter to permit a complete examination of all of the relevant circumstances concerning the complaint.

(2) *Resolution.* A local official receiving a complaint by a handicapped customer about access to postal programs and services must process it in accordance with this part. The official should review the complaint, and consult with the district office as needed, to determine if corrective action is necessary. Corrective action can include a special arrangement for postal services under § 255.2, or a discretionary retrofit to the facility under § 255.3. The decision about which corrective action to take, if any, should be made within the time limits set forth in paragraph (c)(3), or sooner if possible.

(3) *Time Limits.* If a complaint cannot be resolved within fifteen (15) days the customer must be sent a written acknowledgment of the receipt of the complaint. If the complaint cannot be resolved within thirty (30) days of its receipt, the customer must be sent an interim report in writing, including a statement of when the matter is expected to be resolved. Whenever it appears that a complaint cannot be resolved within sixty (60) days of its receipt, a written report and explanation must be submitted to the appropriate district manager. Local managers may prescribe shorter time limits for complaint responses within their area of responsibility by memorandum or other appropriate written directive.

(4) *Automatic review.* If the local official proposes to deny a request or complaint by a handicapped customer for a special arrangement or the alteration of a facility, the proposed decision shall be submitted to the appropriate district manager. The customer must be notified in writing of the approved decision.

(5) *Exhaustion of administrative remedies.* If a customer service complaint filed under this paragraph (c) is not re-

solved within 60 days of its receipt, the customer may seek relief in any other appropriate forum, including the right to appeal to the Customer Advocate in accordance with Postal Operations Manual 166. The Postal Service may continue to consider the complaint after the expiration of the 60 day period.

(d) *Postal Employment.* Discrimination against otherwise qualified handicapped postal employees or job applicants is prohibited, under section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791, and by implementing regulations promulgated by the Equal Employment Opportunity Commission and the Postal Service. Complaints of discrimination against handicapped applicants or employees may be made in accordance with the procedures prescribed in the Employee and Labor Relations Manual (ELM) concerning Equal Employment Opportunity, which apply to discrimination against handicapped persons.

[50 FR 14102, Apr. 10, 1985, as amended at 62 FR 66996, 66997, Dec. 23, 1997]

### § 255.2 Special arrangements for postal services.

(a) *Policy.* The Postal Service offers all of its services to all of its customers without discrimination. Customers who would have difficulty using or be unable to use certain services may be eligible under postal regulations for special arrangements. Some of the special arrangements that the Postal Service has authorized are listed below. No customer is required to use any special arrangement offered by the Postal Service, but a customer's refusal to make use of such special arrangement does not require the Postal Service to offer other special arrangements to that customer.

(1) *Carrier Delivery Services and Programs.* See Postal Operations Manual 631.42.

(2) *Postal Retail Services and Programs—(i) Stamps by mail, phone, or on consignment.* See Postal Operations Manual 151–153.

(ii) *Retail Service from Rural Carriers.* See Postal Operations Manual 652–653.

(iii) *Self-Service Postal Centers.* Self-Service Postal Centers (SSPCs) contain vending equipment for the sale of

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stamps and stamp items, and parcel and letter deposit boxes. See Postal Operations Manual 145.6. Many SSPCs are accessible to individuals in wheelchairs. Customers may obtain information concerning the nearest such SSPC from their local post office.

(iv) *Postage-free mailing for certain mailings.* See Domestic Mail Manual E040, Administrative Support Manual 274.24, and International Mail Manual 250.

(b) *Inquiries and Requests—(1) How made:* Customers wishing further information about special arrangements for particular postal services may contact the postmaster or other local postal official responsible for such service.

(2) *Response to Customer Request or Complaint for a Special Arrangement.* A local official receiving a request or complaint seeking a special arrangement must provide the customers with any such arrangement as may be required by postal regulations. If no special arrangements are required, the postal official, in consultation with the district office as needed, may provide a special arrangement or take any action that will accommodate the customer, including, among others, performing a discretionary retrofit, providing curb or home delivery, or directing the customer to a nearby accessible facility, if he or she determines the arrangement or action would be reasonable, practical, and consistent with the economical and proper operation of the particular program or activity.

[50 FR 14102, Apr. 10, 1985, as amended at 62 FR 66997, Dec. 23, 1997]

#### § 255.3 Access to postal facilities.

(a) *Policy—(1) Legal and policy requirements.* Where the design standards of the Architectural Barriers Act (ABA) of 1968 do not apply, the Postal Service may perform a retrofit to the facility for a handicapped customer in accordance with this part.

(2) *Discretionary Modifications.* The Postal Service may modify facilities not legally required to conform to ABA standards when it determines that doing so would be consistent with efficient postal operations. In determining whether modifications not legally required should be made, due regard is given to:

(i) The cost of the discretionary modification;

(ii) The number of customers to be benefited by the modification;

(iii) The inconvenience, if any, to the general public;

(iv) The anticipated useful life of the modification to the Postal Service;

(v) If the facility is leased, whether the lease would require the Postal Service to restore the premises to their original condition at the expiration of the lease, and, if so, the possible cost of such restoration;

(vi) The historic or architectural significance of the property in accordance with paragraph (a)(4) of this section;

(vii) The availability of other options to foster service accessibility; and

(viii) Any other factor that may be relevant and appropriate to the decision.

(b) *Inquiries and Requests—(1) How made.* Inquiries concerning access to postal facilities, and requests for discretionary alterations of postal facilities not covered by the access standards, may be made to the local postmaster or to the manager of the facility involved.

(2) *Response to customer request or complaint for an alteration to a facility.* If a local official determines, in consultation with the district office as needed, that modification to meet ABA standards is not required, discretionary alteration may be made on a case-by-case basis in accordance with the criteria listed in paragraph (a)(2) of this section. If a discretionary alteration is not made, the local official should determine if the customer can be provided a special arrangement under § 255.2.

[50 FR 14102, Apr. 10, 1985, as amended at 62 FR 66997, Dec. 23, 1997]

#### § 255.4 Other postal regulations; authority of postal officials and employees.

This part 255 supplements all other postal regulations. Nothing in this part is intended either to repeal, modify, or amend any other postal regulation, to authorize any postal official or employee to violate or exceed any regulatory limit, or to confer any budgetary authority on any postal official or employee outside normal budgetary

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procedures. Officials or employees receiving complaints which they lack authority to resolve must promptly refer any such complaint to a higher-level or more appropriate official or employee, and at the same time must notify the customer of the name of the person who is handling the complaint.

### PART 259—SERVICES PERFORMED FOR OTHER AGENCIES

Sec.

259.1 Government.

259.2 Red Cross.

#### § 259.1 Government.

(a) *Policy.* The Postal Service cooperates with Federal Agencies whenever the overall costs to Government will be reduced. Assistance in a number of special projects and programs is provided when the knowledge and abilities of postal employees are helpful.

(b) *Reimbursement.* The Postal Service establishes reasonable fees and charges for nonpostal services performed for agencies of the Federal as well as State governments. In establishing such fees and charges, the Postal Service considers the value of time of the personnel directly involved in the performance of the service, including direct supervision and supporting functions, plus the cost of materials and supplies specifically sold, used or consumed. Also included is an element representing a reasonable share of Postal Service general overhead costs which are not attributable or assignable specifically to any product or service. The establishment of such fees and charges shall be reasonably consistent with the methods employed in establishing rates and fees for postal services then in effect.

(c) Except as provided in paragraph (d) of this section, arrangements for Postal Service participation in special surveys, censuses, and other activities must be made between the national headquarters of the requesting agencies and the Customer Services Department, U.S. Postal Service, Washington, DC 20260. Refer all requests to the Regional Postmaster General for forwarding to Headquarters. Authority to perform services for Government agencies is announced in the Postal Bul-

letin or by individual letters to the offices involved.

(d) *Housing Vacancy Surveys*—(1) *General.* An interagency agreement between the U.S. Postal Service (USPS) and the Federal Home Loan Bank Board (FHLBB) establishes the terms and conditions and reimbursement rates under which USPS will conduct Housing Vacancy Surveys in City Delivery offices when requested by FHLBB.

(2) *Restrictions.* The Agreement only authorizes the disclosure of aggregate statistical data. Postal managers must not permit the name or address of any past or present postal patron, or any other person to be disclosed unless such disclosure is authorized in writing by USPS Regions or Headquarters and is not in violation of 39 U.S.C. 412.

(3) *Postmaster's Responsibility.* (i) A postmaster will receive notification from FHLBB when his office has been selected to conduct a Housing Vacancy Survey. Normally, written notification will be mailed to the postmaster 30 days in advance of the date FHLBB would like USPS to conduct the survey, since USPS is under no obligation to use overtime or auxiliary assistance to conduct these surveys. The postmaster or his designee will schedule the survey on or near the date requested and will promptly reply to FHLBB so that the necessary forms will be provided on time.

(ii) All necessary forms and instructions will be supplied directly to each post office to be surveyed. Postmasters will designate a manager in each delivery unit to coordinate the survey within the unit and to review completed survey forms for accuracy.

(iii) FHLBB may request USPS to perform special or emergency surveys with less than 30 days advance notice. Since FHLBB has agreed to reimburse USPS at twice the normal rates for promptly performing such surveys, every reasonable effort should be made to accommodate such requests in a timely manner.

(iv) Housing Vacancy Surveys will not be conducted during the month of December of any year.

(v) Postmasters will notify the Office of Delivery and Collection, Washington, DC 20260, of the number of each